

103^D CONGRESS
2^D SESSION

S. 1934

To amend the Immigration and Nationality Act to facilitate the apprehension, detention, and deportation of criminal aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, FEBRUARY 22), 1994

Mr. ROTH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the apprehension, detention, and deportation of criminal aliens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Criminal Alien Control
5 Act of 1994”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—DEPORTATION OF CRIMINAL ALIENS

Sec. 101. Equal immigration treatment to all alien felons.

- Sec. 102. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 103. Judicial deportation.
- Sec. 104. Uncontested deportations.
- Sec. 105. Restricting defenses to deportation for certain criminal aliens.
- Sec. 106. Extraterritorial appeals by criminal aliens.
- Sec. 107. Enhanced penalties for failure to depart, or reentry, after final order of deportation.
- Sec. 108. Restriction on asylum for criminal aliens.
- Sec. 109. Federal incarceration.
- Sec. 110. Miscellaneous and technical changes.

TITLE II—LOCAL COOPERATION WITH FEDERAL OFFICIALS AND PROCEDURES

- Sec. 201. Funding based on cooperation.
- Sec. 202. Production of criminal records.

TITLE III—MISCELLANEOUS

- Sec. 301. Detention of undocumented criminal aliens at military installations to be closed.
- Sec. 302. Authorizing registration of aliens on criminal probation or criminal parole.
- Sec. 303. Admissible evidence before a special inquiry officer.

1 **TITLE I—DEPORTATION OF** 2 **CRIMINAL ALIENS**

3 **SEC. 101. EQUAL IMMIGRATION TREATMENT TO ALL ALIEN** 4 **FELONS.**

5 (a) FELONIES.—(1) Sections 101(f) (8 U.S.C.
6 1101(f)); 106(a) (8 U.S.C. 1105a(a)); 208(d) (8 U.S.C.
7 1158(d)); 212(a)(6)(B) (8 U.S.C. 1182(a)(6)(B));
8 236(e)(i) (8 U.S.C. 1226(e)(i)); 241(a)(2)(A) (8 U.S.C.
9 1251(a)(2)(A)); 242(a) (8 U.S.C. 1252(a)); 252A(d) (8
10 U.S.C. 1252A(d)); 242B(c) (8 U.S.C. 1252B(c)); 243(h)
11 (8 U.S.C. 1253(h)); 244(e) (8 U.S.C. 1254(e)); and 277
12 (8 U.S.C. 1327) are amended by striking “aggravated fel-
13 ony” and “an aggravated felony” each time they appear

1 and inserting in lieu thereof “felony” or “a felony”, re-
2 spectively.

3 (2) Section 101(a) of the Immigration and National-
4 ity Act (8 U.S.C. 1101(a)) is amended by adding at the
5 end the following new paragraph:

6 “(47) The term ‘felony’ means any offense
7 under Federal or State law that is punishable by
8 death or imprisonment for more than 1 year.”.

9 (b) PRECLUSION OF JUDICIAL REVIEW.—Section
10 106(c) of the Immigration and Nationality Act (8 U.S.C.
11 1105a(c)) is amended—

12 (1) by inserting “(1)” immediately after “(c)”;
13 and

14 (2) by adding at the end the following:

15 “(2) An order of deportation or of exclusion shall not
16 be reviewed by any court of the United States if the
17 grounds for such order is the commission of a felony by
18 the alien, except that the Attorney General may defer de-
19 portation or exclusion of the alien pending judicial review
20 if the Attorney General determines that to do otherwise
21 would cause hardship to the alien.”.

1 **SEC. 102. DEPORTATION PROCEDURES FOR CERTAIN**
 2 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
 3 **NENT RESIDENTS.**

4 (a) TECHNICAL AMENDMENTS.—Section 242A of the
 5 Immigration and Nationality Act (8 U.S.C. 1252a) is
 6 amended—

7 (1) in subsection (a)—

8 (A) by striking “(a) IN GENERAL.—” and
 9 inserting the following:

10 “(b) DEPORTATION OF PERMANENT RESIDENT
 11 ALIENS.—

12 “(1) IN GENERAL.—”; and

13 (B) by inserting in the first sentence “per-
 14 manent resident” after “correctional facilities
 15 for”;

16 (2) in subsection (b)—

17 (A) by striking “(b) IMPLEMENTATION.—”
 18 and inserting “(2) IMPLEMENTATION.—”; and

19 (B) by striking “respect to an” and insert-
 20 ing “respect to a permanent resident”;

21 (3) by striking subsection (c);

22 (4) in subsection (d)—

23 (A) by striking “(d) EXPEDITED PRO-
 24 CEEDINGS.—(1)” and inserting “(3) EXPE-
 25 DITED PROCEEDINGS.—(A)”;

1 (B) by inserting “permanent resident”
2 after “in the case of any”; and

3 (C) by striking “(2)” and inserting “(B)”;
4 (5) in subsection (e)—

5 (A) by striking “(e) REVIEW.—(1)” and
6 inserting “(4) REVIEW.—(A)”;

7 (B) by striking the second sentence; and

8 (C) by striking “(2)” and inserting “(B)”;

9 (6) by inserting after the section heading the
10 following new subsection:

11 “(a) PRESUMPTION OF DEPORTABILITY.—An alien
12 convicted of a felony shall be conclusively presumed to be
13 deportable from the United States.”; and

14 (7) by amending the heading to read as follows:

15 “EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
16 COMMITTING FELONIES”.

17 (b) ELIMINATION OF ADMINISTRATIVE HEARING FOR
18 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
19 gration and Nationality Act (8 U.S.C. 1252a) is amended
20 by adding at the end the following new subsection:

21 “(c) DEPORTATION OF ALIENS WHO ARE NOT PER-
22 MANENT RESIDENTS.—

23 “(1) Notwithstanding section 242, and subject
24 to paragraph (5), the Attorney General may issue a
25 final order of deportation against any alien described
26 in paragraph (2) whom the Attorney General deter-

1 mines to be deportable under section
2 241(a)(2)(A)(iii) (relating to conviction of a felony).

3 “(2) An alien is described in this paragraph if
4 the alien—

5 “(A) was not lawfully admitted for perma-
6 nent residence at the time that proceedings
7 under this section commenced, or

8 “(B) had permanent resident status on a
9 conditional basis (as described in section 216)
10 at the time that proceedings under this section
11 commenced.

12 “(3) The Attorney General may delegate the
13 authority in this section to the Commissioner or to
14 any District Director of the Service.

15 “(4) No alien described in this section shall be
16 eligible for—

17 “(A) any relief from deportation that the
18 Attorney General may grant in his discretion,
19 or

20 “(B) relief under section 243(h).

21 “(5) The Attorney General may not execute any
22 order described in paragraph (1) until 14 calendar
23 days have passed from the date that such order was
24 issued, in order that the alien has an opportunity to
25 apply for judicial review under section 106.”.

1 (c) LIMITED JUDICIAL REVIEW.—Section 106 of the
2 Immigration and Nationality Act (8 U.S.C. 1105a) is
3 amended—

4 (1) in the first sentence of subsection (a), by in-
5 serting “or pursuant to section 242A” after “under
6 section 242(b)”;

7 (2) in subsection (a)(1) and subsection (a)(3),
8 by inserting “(including an alien described in section
9 242A)” after “felony”; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(d) Notwithstanding subsection (c), a petition for
13 review or for habeas corpus on behalf of an alien described
14 in section 242A(c) may only challenge whether the alien
15 is in fact an alien described in such section, and no court
16 shall have jurisdiction to review any other issue.”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to all aliens against whom deporta-
19 tion proceedings are initiated after the date of enactment
20 of this Act.

21 **SEC. 103. JUDICIAL DEPORTATION.**

22 (a) JUDICIAL DEPORTATION.—Section 242A of the
23 Immigration and Nationality Act (8 U.S.C. 1252a), as
24 amended by section 102, is further amended by inserting
25 at the end the following new subsection:

1 “(d) JUDICIAL DEPORTATION.—

2 “(1) AUTHORITY.—Notwithstanding any other
3 provision of this Act, a United States district court
4 or a State court shall have jurisdiction to enter a ju-
5 dicial order of deportation at the time of sentencing
6 against an alien whose criminal conviction causes
7 such alien to be deportable under section
8 241(a)(2)(A)(iii) (relating to conviction of a felony).

9 “(2) PROCEDURE.—(A) The United States At-
10 torney or, in the case of a proceeding before a State
11 court, the State’s attorney general, shall provide no-
12 tice of intent to request judicial deportation prompt-
13 ly after the entry in the record of an adjudication
14 of guilt or guilty plea. Such notice shall be provided
15 to the court, to the alien, to the alien’s counsel of
16 record, and to the Commissioner.

17 “(B) Notwithstanding section 242B—

18 “(i) in the case of a proceeding before a
19 United States court, the United States Attor-
20 ney, with the concurrence of the Commissioner,
21 or

22 “(ii) in the case of a proceeding before a
23 State court, the State’s attorney general,
24 shall, at least 20 days before the date set for sen-
25 tencing, file a charge containing factual allegations

1 regarding the alienage of the defendant and satisfac-
2 tion by the defendant of the definition of felony.

3 “(C) If the court determines that the defendant
4 has presented substantial evidence to establish prima
5 facie eligibility for relief from deportation under sec-
6 tion 212(c), the court shall request the Attorney
7 General to provide the court with a recommendation
8 and report regarding the alien’s eligibility for relief
9 under such section. The court shall either grant or
10 deny the relief sought.

11 “(D)(i) The alien shall have a reasonable oppor-
12 tunity to examine the evidence against him or her,
13 to present evidence on his or her own behalf, and to
14 cross-examine witnesses presented by the Govern-
15 ment.

16 “(ii) The court, for the purposes of determining
17 whether to enter an order described in paragraph
18 (1), shall only consider evidence that would be ad-
19 missible in proceedings conducted pursuant to sec-
20 tion 242(b).

21 “(3) NOTICE, APPEAL, AND EXECUTION OF JU-
22 DICIAL ORDER OF DEPORTATION.—(A)(i) A judicial
23 order of deportation or denial of such order may be
24 appealed by either party to the court of appeals for
25 the circuit in which the United States district court

1 is located or to the appropriate State court of ap-
2 peals, as the case may be.

3 “(ii) Except as provided in clause (iii), such ap-
4 peal shall be considered consistent with the require-
5 ments described in section 106.

6 “(iii) Upon execution by the defendant of a
7 valid waiver of the right to appeal the conviction on
8 which the order of deportation is based, the expira-
9 tion of the period described in section 106(a)(1), or
10 the final dismissal of an appeal from such convic-
11 tion, the order of deportation shall become final and
12 shall be executed at the end of the prison term in
13 accordance with the term of the order.

14 “(B) As soon as is practicable after entry of a
15 judicial order of deportation by a United States
16 court, the Attorney General shall provide the defend-
17 ant with written notice of the order of deportation,
18 which shall designate the defendant’s country of
19 choice for deportation and any alternate country
20 pursuant to section 243(a).

21 “(C) As soon as is practicable after entry of a
22 judicial order of deportation by a State court, the
23 State court shall notify the Attorney General of the
24 order. Upon the termination of imprisonment of the
25 alien, the State shall remand the alien to the cus-

1 today of the Attorney General. The Attorney General
2 shall effect the deportation of the alien in the man-
3 ner prescribed in this Act with respect to final or-
4 ders of deportation.

5 “(4) DENIAL OF JUDICIAL ORDER.—Denial of a
6 request for a judicial order of deportation shall not
7 preclude the Attorney General from initiating depor-
8 tation proceedings pursuant to section 242 upon the
9 same ground of deportability or upon any other
10 ground of deportability provided under section
11 241(a). Any denial of a judicial order of deportation
12 shall include a statement in writing stating the rea-
13 sons for the denial.

14 “(5) DEFINITION.—For purposes of this sub-
15 section, the term ‘State’ refers to any of the several
16 States and the District of Columbia.”.

17 (b) TECHNICAL AND CONFORMING CHANGES.—The
18 ninth sentence of section 242(b) of the Immigration and
19 Nationality Act (8 U.S.C. 1252(b)) is amended by striking
20 out “The” and inserting in lieu thereof “Except as pro-
21 vided in section 242A(d), the”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to all aliens whose adjudication of
24 guilt or guilty plea is entered in the record after the date
25 of enactment of this Act.

1 **SEC. 104. UNCONTESTED DEPORTATIONS.**

2 Section 242B of the Immigration and Nationality Act
3 (8 U.S.C. 1252b) is amended—

4 (1) in subsection (a)(1), by adding at the end
5 the following new subparagraph:

6 “(G) The right of an alien deportable
7 under section 241(a)(2) to execute a deporta-
8 tion affidavit pursuant to subsection (f) in lieu
9 of deportation proceedings.”;

10 (2) by redesignating subsection (f) as sub-
11 section (g); and

12 (3) by inserting after subsection (e) the follow-
13 ing:

14 “(f) DEPORTATION AFFIDAVIT.—In lieu of a deter-
15 mination of deportability in a proceeding before a special
16 inquiry officer, an alien may elect to admit deportability
17 under section 241(a)(2) through the execution of an affi-
18 davit witnessed by such an officer and a notary public.
19 A special inquiry officer shall make a determination of de-
20 portability under this subsection based solely on the affi-
21 davit and, if he finds the alien deportable, shall issue an
22 order of deportation with respect to that alien.”.

1 **SEC. 105. RESTRICTING DEFENSES TO DEPORTATION FOR**
2 **CERTAIN CRIMINAL ALIENS.**

3 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
4 NENT RESIDENCE.—Section 212(c) of the Immigration
5 and Nationality Act (8 U.S.C. 1182(c)) is amended—

6 (1) in the third sentence, by striking “has
7 served for such felony or felonies” and all that fol-
8 lows through the period and inserting “has been sen-
9 tenced for such felony or felonies to a term of im-
10 prisonment of at least 5 years, if the time for ap-
11 pealing such conviction or sentence has expired and
12 the sentence has become final;”; and

13 (2) by adding at the end the following new sen-
14 tence: “For purposes of calculating the period of
15 seven consecutive years under this subsection, any
16 period of imprisonment of the alien by Federal,
17 State, or local authorities shall be excluded but shall
18 not be considered to have broken the continuity of
19 the period.”.

20 (b) DEFENSES BASED ON WITHHOLDING OF DEPOR-
21 TATION.—Section 243(h)(2) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1253(h)(2)) is amended—

23 (1) by striking “or” at the end of subparagraph
24 (C);

25 (2) by striking the period at the end of sub-
26 paragraph (D) and inserting “; or”; and

1 (3) by striking the final sentence and inserting
2 the following new subparagraph:

3 “(E) the alien has been convicted of a fel-
4 ony.”; and

5 **SEC. 106. EXTRATERRITORIAL APPEALS BY CRIMINAL**
6 **ALIENS.**

7 Section 106 of the Immigration and Nationality Act
8 (8 U.S.C. 1105a) is amended by adding at the end the
9 following new subsection:

10 “(d)(1) In the case of any alien found to be deport-
11 able under section 242(a)(2), the Attorney General may
12 not defer deportation of the alien and shall, after issuance
13 of the deportation order, take the alien into custody until
14 the alien is deported.

15 “(2) Any court of the United States shall have juris-
16 diction to review an order of deportation issued under
17 paragraph (1) in any case where the petitioner for review
18 is outside the United States. Any alien for whom an order
19 of deportation has been vacated under this paragraph
20 shall be issued a valid visa and admitted to the United
21 States to the status held by the alien before deportation.”.

1 **SEC. 107. ENHANCED PENALTIES FOR FAILURE TO DEPART,**
2 **OR REENTRY, AFTER FINAL ORDER OF DE-**
3 **PORTATION.**

4 (a) FAILURE TO DEPART.—Section 242(e) of the Im-
5 migration and Nationality Act (8 U.S.C. 1252(e)) is
6 amended—

7 (1) by striking out “paragraph (2), (3), or (4)
8 of” the first time it appears, and

9 (2) by striking out “shall be imprisoned not
10 more than ten years” and inserting in lieu thereof
11 “shall be imprisoned not more than two years, or
12 shall be imprisoned not more than ten years if the
13 alien is a member of any of the classes described in
14 paragraph (2), (3), or (4) of section 241(a).”.

15 (b) REENTRY.—Section 276(b) of the Immigration
16 and Nationality Act (8 U.S.C. 1326(b)) is amended to
17 read as follows:

18 “(b) Notwithstanding subsection (a), in the case of
19 any alien described in such subsection whose deportation
20 was subsequent to a conviction for commission of two or
21 more misdemeanors or a felony, such alien shall be fined
22 under title 18, United States Code, imprisoned not more
23 than 15 years, or both.”.

24 (c) COLLATERAL ATTACKS ON UNDERLYING DEPOR-
25 TATION ORDER.—Section 276 of the Immigration and Na-

1 tionality Act (8 U.S.C. 1326) is amended by adding at
2 the end the following new subsection:

3 “(c) In any criminal proceeding under this section,
4 no alien may challenge the validity of the deportation
5 order described in subsection (a)(1) or subsection (b).”.

6 **SEC. 108. RESTRICTION ON ASYLUM FOR CRIMINAL ALIENS.**

7 (a) IN GENERAL.—Section 208 of the Immigration
8 and Nationality Act (8 U.S.C. 1158) is amended by add-
9 ing at the end the following new subsections:

10 “(e) Notwithstanding subsection (a), an alien may
11 only be granted asylum under this section if the alien
12 claims asylum within 15 days of the alien’s entry into the
13 United States, unless the alien establishes by clear and
14 convincing evidence that since the date of entry into the
15 United States circumstances have changed in the alien’s
16 country of nationality (or, in the case of a person having
17 no nationality, the country in which such alien last habit-
18 ually resided) such that, if the alien returned to the coun-
19 try, it is more likely than not that the alien would be ar-
20 rested or incarcerated or the alien’s life would be threat-
21 ened in such country on account of race, religion, national-
22 ity, membership in a particular social group, or political
23 opinion.

24 “(f) An alien is not eligible for asylum under this sec-
25 tion if the Attorney General determines that—

1 “(1) the alien ordered, incited, assisted, or oth-
2 erwise participated in the persecution of any person
3 on account of race, religion, nationality, membership
4 in a particular social group, or political opinion;

5 “(2) the alien, having been convicted by a final
6 judgment of a particularly serious crime, constitutes
7 a danger to the community of the United States;

8 “(3) there are serious reasons for believing that
9 the alien has committed a serious nonpolitical crime
10 outside the United States prior to the arrival of the
11 alien in the United States;

12 “(4) there are reasonable grounds for regarding
13 the alien as a danger to the security of the United
14 States; or

15 “(5) a country willing to accept the alien has
16 been identified (other than the country described in
17 subsection (e)) to which the alien can be deported or
18 returned and the alien does not establish that it is
19 more likely than not that the alien would be arrested
20 or incarcerated or the alien’s life would be threat-
21 ened in such country on account of race, religion,
22 nationality, membership in a particular social group,
23 or political opinion.

24 For purposes of paragraph (2), an alien who has been con-
25 victed of a felony shall be considered to have committed

1 a particularly serious crime. The Attorney General shall
2 prescribe regulations that specify additional crimes that
3 will be considered to be a crime described in paragraph
4 (2) or (3).”.

5 (b) CONFORMING AMENDMENT.—Section 208(a) of
6 such Act (8 U.S.C. 1158(a)) is amended by inserting “,
7 except as provided in subsection (f),” after “asylum, and”.

8 **SEC. 109. FEDERAL INCARCERATION.**

9 Section 242 of the Immigration and Nationality Act
10 (8 U.S.C. 1252) is amended by adding at the end the fol-
11 lowing new subsection:

12 “(j)(1) The Attorney General shall take into the cus-
13 tody of the Federal Government, and shall incarcerate for
14 a determinate sentence of imprisonment, an undocu-
15 mented criminal alien if—

16 “(A) the chief State official exercising authority
17 with respect to the incarceration of the undocu-
18 mented criminal alien submits a written request to
19 the Attorney General; and

20 “(B) the undocumented criminal alien is sen-
21 tenced to a determinate term of imprisonment.

22 “(2) Undocumented criminal aliens taken into the
23 custody of the Attorney General under paragraph (1) may
24 be deported under subsection (h)(2)(A).

1 “(3) For purposes of this subsection, the term ‘un-
2 documented criminal alien’ means an alien who—

3 “(A) has been convicted of a felony and sen-
4 tenced to a term of imprisonment, and

5 “(B)(i) entered the United States without in-
6 spection or at any time or place other than as des-
7 igned by the Attorney General, or

8 “(ii) was the subject of exclusion or deportation
9 proceedings at the time he or she was taken into
10 custody by the State.”.

11 **SEC. 110. MISCELLANEOUS AND TECHNICAL CHANGES.**

12 (a) FORM OF DEPORTATION HEARINGS.—The sec-
13 ond sentence of section 242(b) of the Immigration and
14 Nationality Act (8 U.S.C. 1252(b)) is amended by insert-
15 ing after the second sentence the following new sentence:
16 “Nothing in the preceding sentence precludes the Attorney
17 General from authorizing proceedings by electronic or tele-
18 phonic media (with or without the consent of the alien)
19 or, where waived or agreed to by the parties, in the ab-
20 sence of the alien.”.

21 (b) CONSTRUCTION OF EXPEDITED DEPORTATION
22 REQUIREMENTS.—No amendment made by this Act and
23 nothing in section 242(i) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1252(i)), shall be construed to create
25 any right or benefit, substantive or procedural, which is

1 legally enforceable by any party against the United States,
2 its agencies, its officers, or any other person.

3 **TITLE II—LOCAL COOPERATION**
4 **WITH FEDERAL OFFICIALS**
5 **AND PROCEDURES**

6 **SEC. 201. FUNDING BASED ON COOPERATION.**

7 (a) STATE AND LOCAL COOPERATION.—Notwith-
8 standing any law, ordinance or regulation of any State or
9 subdivision thereof to the contrary, officials of any State
10 or local government or agency, upon the request of any
11 duly authorized official of the United States Immigration
12 and Naturalization Service, shall provide information re-
13 garding the identification, location, arrest, prosecution,
14 detention, and deportation of an alien or aliens who are
15 not lawfully present in the United States.

16 (b) REPORT.—Not later than 6 months after the date
17 of enactment of this Act, the Attorney General and the
18 Commissioner of Immigration and Naturalization shall
19 jointly report to the Congress and the President on the
20 extent to which State and local governments are not co-
21 operating with the Immigration and Naturalization Serv-
22 ice. This report shall identify any State or local govern-
23 ments that have adopted laws, policies or practices of
24 noncooperation with the United States Immigration and
25 Naturalization Service, the specific nature of those laws,

1 policies or practices, and their impact on the enforcement
2 of the immigration laws.

3 (c) FUNDING BASED ON COOPERATION.—No State
4 or local government or agency which has been identified
5 in the Attorney General’s report required by the preceding
6 paragraph, which has a policy or practice of refusing to
7 cooperate with the Immigration and Naturalization Serv-
8 ice regarding the identification, location, arrest, prosecu-
9 tion, detention, or deportation of aliens who are not law-
10 fully present in the United States, shall be eligible for any
11 Federal funds from appropriations made pursuant to a
12 provision of the Violent Crime Control and Law Enforce-
13 ment Act of 1993 or of an amendment made by authoriz-
14 ing appropriations, as long as such policy or practice re-
15 mains in effect.

16 **SEC. 202. PRODUCTION OF CRIMINAL RECORDS.**

17 Section 503(a)(11) of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is
19 amended by inserting “or any political subdivision there-
20 of” after “State” the second, third, and fourth occurrence
21 thereof.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. DETENTION OF UNDOCUMENTED CRIMINAL**
3 **ALIENS AT MILITARY INSTALLATIONS TO BE**
4 **CLOSED.**

5 (a) IN GENERAL.—(1) Notwithstanding any other
6 provision of law, the Secretary of Defense shall make
7 available to the Attorney General for the purpose referred
8 to in paragraph (2) any military installation of the De-
9 partment of Defense that—

10 (A) is approved for closure under a base closure
11 law; and

12 (B) is jointly determined by the Secretary and
13 the Attorney General to be an appropriate facility
14 for the detention of undocumented aliens.

15 (2) The Attorney General shall use facilities made
16 available to the Attorney General under this paragraph for
17 the detention of undocumented criminal aliens.

18 (b) DEFINITIONS.—In this section:

19 (1) The term “approved for closure under a
20 base closure law”, in the case of a military installa-
21 tion, means any installation whose closure under a
22 base closure law is recommended by the President
23 and not disapproved by Congress in accordance with
24 the provisions of such law.

1 (2) The term “base closure law” means the fol-
2 lowing:

3 (A) The Defense Base Closure and Re-
4 alignment Act of 1990 (part A of title XXIX of
5 Public Law 102–510; 10 U.S.C. 2687 note).

6 (B) Title II of the Defense Authorization
7 Amendments and Base Closure and Realign-
8 ment Act (Public Law 100–526; 10 U.S.C.
9 2687 note).

10 (3) The term “undocumented criminal alien”
11 means an alien who—

12 (A) has been convicted of a felony and sen-
13 tenced to a term of imprisonment, and

14 (B)(i) entered the United States without
15 inspection or at any time or place other than as
16 designated by the Attorney General, or

17 (ii) was the subject of exclusion or deporta-
18 tion proceedings at the time he or she was
19 taken into custody by the State.

20 **SEC. 302. AUTHORIZING REGISTRATION OF ALIENS ON**
21 **CRIMINAL PROBATION OR CRIMINAL PA-**
22 **ROLE.**

23 Section 263(a) of the Immigration and Nationality
24 Act (8 U.S.C. 1303(a)) is amended by striking “and (5)”
25 and inserting “(5) aliens who are or have been on criminal

1 probation or criminal parole within the United States, and
2 (6)’’.

3 **SEC. 303. ADMISSIBLE EVIDENCE BEFORE A SPECIAL IN-**
4 **QUIRY OFFICER.**

5 In any proceeding under the Immigration and Na-
6 tionality Act before a special inquiry officer, such docu-
7 ments and records as are described in section 3.41 of title
8 8, Code of Federal Regulations, as in effect on the date
9 of enactment of this Act, may be admissible as evidence
10 of a criminal conviction.

○

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